



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 18 2013

OFFICE OF WATER

Ms. Deidre G. Duncan  
Hunton & Williams LLP  
2200 Pennsylvania Avenue, N.W.,  
Washington, DC 20037

RE: Freedom of Information Act Request: HQ-FOI-EPA-2013-009765

Dear Ms. Duncan:

This letter is to respond to the Freedom of Information (FOIA) request for responsive documents containing data that was used for completion of the EPA report "Potential Indirect Economic Impact. We have completed the search and are providing the enclosed four documents that include the requested information. These documents are available to you electronically at <https://foiaonline.regulations.gov/foia/action/public/home>.

We are withholding three responsive documents as exempt under 5 U.S.C. Section 552(b)(5) because they are drafts of the final documents released today, and thus are pre-decisional and deliberative and would harm agency decision-making if released. As you requested, the following is the information about those documents:

- "Mitigation Cost Data.xlsx"; 2/17/2011, preliminary draft of "Mitigation Cost Data – beta.xlsx", author: Jim Keating (also author of the final document).
- "Refined WOUS Cost Estimate 021711.xlsx", 2/17/2011, preliminary draft of "Refined WOUS Cost Estimate 040711.xlsx", author: Jim Keating (also author of the final document).
- "Refined WOUS Cost Estimate 021811.xlsx", 2/18/2011, preliminary draft of "Refined WOUS Cost Estimate 040711.xlsx", author: Jim Keating (also author of the final document).

We are also not releasing the unpublished report from the U.S. Corps of Engineers that you requested nor any emails from the U.S. Corps of Engineers transmitting the Corps data to the EPA. Those documents are equities of the Corps and their release must be determined by the Corps.

Under the FOIA, you may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), Fax: (202)566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United State Postal Service may be delivered to the 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery you must address your correspondence to 1301 Constitution Avenue, N.W., Rm. 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendars from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should

include the RIN list about (HQ-FOI-EPA-2013-009765). For quickest possible handling, the appeal letter and its envelop should be marked "Freedom of Information Act Appeal."

Please contact Ms. Jenny Thomas of the Wetlands and Aquatic Resources Regulatory Branch at 202-564-4524, if you have any questions regarding this response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Pendergast", with a stylized flourish extending from the end.

Jim Pendergast, Acting Director  
Wetlands Division